

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Jean Lavelle,

Plaintiff

v.

Riexinger & Associates, LLC,

Defendant

FILED ELECTRONICALLY

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Jean Lavelle, is a natural person residing at 244 Everhart St., Dupont, PA 18641.

5. Defendant, Riexinger & Associates, LLC, (“the Collector”) is a limited liability corporation engaged in the business of collecting debts in this state with a place of business located at PO Box 956188, Duluth, GA 30095-9504.

6. The Collector is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

7. On or before September 10, 2009, the Collector began attempting to collect an alleged account (“the Account”) from Plaintiff.

8. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. § 1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. On September 10, 2009, the Collector caused at least one (1) telephone call (“*the Call*”) to be placed to phone number (570) 820-1948.

11. During *the Call*, an employee of the Collector left a message (“*the Message*”) for Plaintiff.

12. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in each communication with a consumer.

13. In *the Message*, the caller failed to disclose that the call was from a debt collector.

14. In *the Message*, the caller failed to provide the disclosure required by 15 U.S.C. § 1692e(11).

15. *The Call* and *Message* were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney’s fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

16. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington

Kenneth W. Pennington

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